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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/052,556	01/23/2002	Hiroyuki Terada	1614.1209	4977

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EXAMINER

CHANDLER, SARA M

ART UNIT	PAPER NUMBER
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3693

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/13/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/052,556	Applicant(s) TERADA, HIROYUKI	
	Examiner Sara Chandler	Art Unit 3693	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 20 February 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

This Office Action is responsive to Applicant's arguments and request for continued examination of application 10/052,556 (01/23/02) filed on 02/20/07.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1,3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reinsma, US Pub. No. 2002/0116239 in view of Thackston, US Pat. No. 6,295,513.

Re Claim 1: Reinsma discloses a method for intermediating trading between a building materials manufacturer and a fabrication factory, said method comprising the steps of: receiving order received information from a construction company (Reinsma, [0007] "a system is provided for selecting a set of items that meet a given criteria." [0011]); and

Art Unit: 3693

locating a fabrication factory satisfying requirements of said order received information from a storing part storing fabrication ability information of said fabrication factory (Reinsma, contractor= fabrication factory; Figs. 1,2,3,4, 4A, 6; [0071] "A contractor module 50 is employed to organize contractor schedules and to provide a list of available contractors and their installations costs for the items selected in the package." [0075] "An alliance contractor database 78 may be accessed when determining an appropriate contractor and/or contractor schedule." [0076][0078][0105] "the system may be used to permit manufacturers, builders, consumers, contractors, and suppliers to work together, which allows references to flow back and forth along the supply chain.....").

Reinsma fails to explicitly disclose:

coordinating between the fabrication factory and the building materials manufacturer by sending fabrication order information to said fabrication factory and sending building materials order information, including information of said fabrication factory where the building materials are to be shipped, to said building materials manufacturer, based on said order received information.

Thackston discloses:

coordinating between the fabrication factory and the building materials manufacturer by sending fabrication order information to said fabrication factory and sending building materials order information, including information of said fabrication factory where the building materials are to be shipped, to said building materials manufacturer, based on said order received information (Thackston, abstract, Figs. 1-28, col. 1, lines 19-31; col.

Art Unit: 3693

2, line 60+ - col. 6, line 19; col. 8, line 45 – col. 17, line 51; col. 18, line 16 – col. 19, line 25; col. 24, line 29+ - col. 25, line 53; col. 27, line 58+ - col. 28, line 4; col. 51, line 60+ - col. 52, line 17).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Reinsma by adopting the teachings of Thackston to provide a method further comprising:
coordinating between the fabrication factory and the building materials manufacturer by sending fabrication order information to said fabrication factory and sending building materials order information, including information of said fabrication factory where the building materials are to be shipped, to said building materials manufacturer, based on said order received information.

As suggested by Thackston, one would have been motivated to diminish time consuming and costly business boundaries between parties.

Re Claim 3: Reinsma in view of Thackston discloses the claimed method supra and Reinsma further discloses wherein said fabrication ability information includes open schedule information of said fabrication factory (Reinsma, [0071] “A contractor module 50 is employed to organize contractor schedules and to provide a list of available contractors and their installations costs for the items selected in the package.”[0072][0096]).

Re Claim 4: Reinsma discloses an apparatus for intermediating trading between a building materials manufacturer and a fabrication factory, said apparatus comprising:

Art Unit: 3693

a receiving part receiving order received information from a construction company (Reinsma, [0007] "a system is provided for selecting a set of items that meet a given criteria." [0011]); and

a locating part retrieving a fabrication factory capable of satisfying requirements of said order received information from a storing part storing fabrication ability information of said fabrication factory (Reinsma, contractor= fabrication factory; Figs. 1,2,3,4, 4A, 6; [0071] "A contractor module 50 is employed to organize contractor schedules and to provide a list of available contractors and their installations costs for the items selected in the package." [0075] "An alliance contractor database 78 may be accessed when determining an appropriate contractor and/or contractor schedule." [0076][0078][0105] "the system may be used to permit manufacturers, builders, consumers, contractors, and suppliers to work together, which allows references to flow back and forth along the supply chain.....").

Reinsma fails to explicitly disclose:

a coordinating part coordinating between the fabrication factory and the building materials manufacturer by sending fabrication order information to said fabrication factory and sending building materials order information, including information of said fabrication factory where the building materials are to be shipped, to said building materials manufacturer, based on said order received information.

Thackston discloses:

a coordinating part coordinating between the fabrication factory and the building materials manufacturer by sending fabrication order information to said fabrication

Art Unit: 3693

factory and sending building materials order information, including information of said fabrication factory where the building materials are to be shipped, to said building materials manufacturer, based on said order received information (Thackston, abstract, Figs. 1-28, col. 1, lines 19-31; col. 2, line 60+ - col. 6, line 19; col. 8, line 45 - col. 17, line 51; col. 18, line 16 - col. 19, line 25; col. 24, line 29+ - col. 25, line 53; col. 27, line 58+ - col. 28, line 4; col. 51, line 60+ - col. 52, line 17).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Reinsma by adopting the teachings of Thackston to provide an apparatus further comprising: a coordinating part coordinating between the fabrication factory and the building materials manufacturer by sending fabrication order information to said fabrication factory and sending building materials order information, including information of said fabrication factory where the building materials are to be shipped, to said building materials manufacturer, based on said order received information.

As suggested by Thackston, one would have been motivated to diminish time consuming and costly business boundaries between parties.

Re Claim 5: Reinsma discloses computer-readable recording medium having program code recorded therein for causing a computer to intermediate trading between a building materials manufacturer and a fabrication factory, said program code comprising the code for:

receiving order received information from a construction company (Reinsma, [0007] "a system is provided for selecting a set of items that meet a given criteria." [0011]); and

Art Unit: 3693

locating a fabrication factory capable of satisfying requirements of said order received information from a storing part storing fabrication ability information of said fabrication factory (Reinsma, contractor= fabrication factory; Figs. 1,2,3,4, 4A, 6; [0071] "A contractor module 50 is employed to organize contractor schedules and to provide a list of available contractors and their installations costs for the items selected in the package." [0075] "An alliance contractor database 78 may be accessed when determining an appropriate contractor and/or contractor schedule." [0076][0078][0105] "the system may be used to permit manufacturers, builders, consumers, contractors, and suppliers to work together, which allows references to flow back and forth along the supply chain.....").

Reinsma fails to explicitly disclose:

coordinating between the fabrication factory and the building materials manufacturer by sending fabrication order information to said fabrication factory and sending building materials order information, including information of said fabrication factory where the building materials are to be shipped, to said building materials manufacturer, based on said order received information.

Thackston discloses:

coordinating between the fabrication factory and the building materials manufacturer by sending fabrication order information to said fabrication factory and sending building materials order information, including information of said fabrication factory where the building materials are to be shipped, to said building materials manufacturer, based on said order received information (Thackston, abstract, Figs. 1-28, col. 1, lines 19-31; col.

Art Unit: 3693

2, line 60+ - col. 6, line 19; col. 8, line 45 – col. 17, line 51; col. 18, line 16 – col. 19, line 25; col. 24, line 29+ - col. 25, line 53; col. 27, line 58+ - col. 28, line 4; col. 51, line 60+ - col. 52, line 17).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Reinsma by adopting the teachings of Thackston to provide a computer readable recording medium further comprising coordinating between the fabrication factory and the building materials manufacturer by sending fabrication order information to said fabrication factory and sending building materials order information, including information of said fabrication factory where the building materials are to be shipped, to said building materials manufacturer, based on said order received information.

As suggested by Thackston, one would have been motivated to diminish time consuming and costly business boundaries between parties.

Claims 2,6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reinsma and Thackston as applied to claims 1,4 and 5 above, and further in view of Eze, US Pub. No. 2002/0103714.

Re Claims 2,6 and 7: Reinsma in view of Thackston discloses the claimed method/apparatus/computer-readable recording medium supra and Reinsma further discloses wherein said order received information includes an image indicating fabrication indication information (Reinsma, [0076][0078]). Reinsma fails to explicitly disclose wherein the information is customized. Eze discloses wherein the information is customized (Eze, abstract, Figs. 2,3, [0005] [0007] [0023] [0030] [0033] [0034]

Art Unit: 3693

[0041]). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Reinsma by adopting the teachings of Eze to provide the method/apparatus/computer-readable recording medium, wherein said order received information includes customized fabrication indication information in which an indication of the customized fabrication information is shown by an image. As suggested by Eze, one would have been motivated to avoid time delays and cater to user preferences.

Response to Arguments

Applicant argues Reinsma fails to explicitly disclose, "coordinating between the fabrication factory and the building materials manufacturer by sending fabrication order information to said fabrication factory and sending building materials order information, including information of said fabrication factory where the building materials are to be shipped, to said building materials manufacturer, based on said order received information. "

The argument has been considered but is moot in view of the new ground(s) of rejection.

Applicant argues, Reinsma in view of Eze fails to explicitly disclose, "wherein said order received information includes an image indicating customized fabrication indication information."

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208

Art Unit: 3693

USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Here the claims were given their broadest reasonable interpretation in accordance with MPEP § 2111. An "image" is a reproduction or representation of something. As such the order received in Reinsma includes a reproduction or representation of the fabrication indication information. See citations supra. Reisma fails to explicitly disclose wherein this fabrication indication information is "customized". "Customizing" being to modify or build according to individual or personal specifications or preference. Customizing fabrication information included in an order received is not uncommon in the field of fabrication. "Fabrication" being to make, or to construct something by combining or assembling it.

It has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, Eze is in the field of fabrication and addresses the problem of customizing fabrication information that is included in a particular order that is received. See citations supra.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The references relate to collaboration, fabrication.

US Pat. No. 6,859,768

Art Unit: 3693

"Negotiation in DAI as an Infrastructure Component for Collaborative Enterprises," by Keith J. Werkman. IBM Federal Systems Company, Advanced Technology Department. (1993). Pgs. 104-117.

"Designer Fabricator Interpreter System: Evaluating Alternate Connection Configurations Through Multiagent Negotiation," by Keith J. Werkman et al (1990). Pgs. 153-159

"A project Model for an Automated building System: Design and Planning Phases," by Rafael Sacks et al. Automation in Construction 7: Elsevier (1997). Pgs. 21-34.

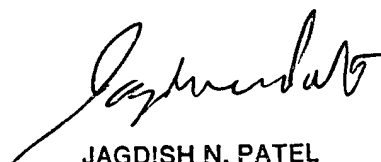
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sara Chandler whose telephone number is 571-272-1186. The examiner can normally be reached on 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Kramer can be reached on 571-272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3693

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SMC



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PRIMARY EXAMINER